IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6564 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AKBARBHAI RASULBHAI BARODAWALA - Petitioner(s)
Versus
COMPETANT AUTHORITY & ADDL. COLLECTOR & 2 - Respondent(s)

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Appearance :
MR PM BHATT for Petitioner(s) : 1,
MR SATYAM CHHAYA AGP for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 15/03/2007

ORAL JUDGMENT

1. The petitioner has preferred this petition for challenging the legality and validity of the

order Annexure A passed by the competent authority and its confirmation thereof by the Appellate Tribunal, whereby the land as mentioned in the order was declared as excess land.

2. When the matter is taken up for final hearing, Mr.P.M. Bhatt, learned counsel for the petitioner stated before the Court that in the present case, notification has been issued by the State Government under Section 10 (3) of the Urban Land (Ceiling and Regulations) Act, 1976 but no proceedings are taken under Section 10 (5) of the said Act and possession is not taken over. Therefore, he submitted that the matter is covered under the Urban Land (Ceiling and Regulations) Repeal Act, 1999 and the proceedings under Urban Land (Ceiling and Regulations) Act, 1976 would abate.

3. Mr. Satyam Chhaya, learned A.G.P. confirms the position that as per para-wise remarks received by him, the proceedings under Section 10

(3) of issuing Notification were completed. He further submitted that thereafter in view of the interim order passed by this Court, while admitting the petition on 31.8.1996, no further action is taken since status-quo is ordered to be maintained. He also states before the Court, under telephonic instructions received by him from Mr.Rohit Solanki, the concerned officer working in the office of the competent authority, U.L.C. that no further action could be taken on account of the pendency of the petition and therefore, the possession of the land in question is not taken over by the State Government.

4. In view of the above, as the possession is not taken over under the Urban Land (Ceiling and Regulations) Act, 1976, the action will not be saved in view of the provisions of Urban Land (Ceiling and Regulations) Repeal Act, 1999 and further as per the provisions of Section 4 of the said Repeal Act, the proceedings under the Urban Land (Ceiling and Regulations) Act, 1976 shall

stands abated.

5. Hence, the petition is disposed of with the observations that the proceedings under the Urban Land (Ceiling and Regulations) Act, 1976, are abated on account of Urban Land (Ceiling and Regulations) Repeal Act, 1999, as the possession is not taken over by the State Government. Rule is made absolute accordingly. No order as to costs.

(JAYANT PATEL, J.)

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